

**REMARKS/AGRUMENTS**

Claims 1-23 are pending. Claims 1-23 stand rejected in the Office Action mailed June 19, 2003.

Claims 1-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Number 6,172,596 A1 of Cesar, et al. (hereafter Cesar) in view US Patent Number 6,067,525 of Johnson, et al. (hereafter Johnson).

**CLAIM REJECTIONS – 35 USC §103 (a)**

The Examiner has rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Cesar and Johnson. In regard to the rejection of claim 1 under 35 U.S.C. §103(a), the Examiner has stated in part that:

Cesar et al. shows all of the limitations of the claims except for specifying an event manager, the use of XML, the use of “dotted notation,” and the use of a UPAD [sic] protocol/adapter.

(6/19/03 Office Action, p. 2).

Applicants submit that claims 1-8 are not obvious in view of Cesar and Johnson. It is respectfully submitted that it would be impermissible hindsight, based on applicant's own disclosure, to combine Cesar and Johnson. Cesar describes RF communication devices (Cesar, abstract) and Johnson describes a computer network for sales automation (Johnson, abstract). There is clearly no motivation to combine aspects of a sales automation network of Johnson with RF tagging device of Cesar.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

However, nowhere is there any indication that the references provide any motivation for the recited combination. Instead, it appears the teachings of the present application have been used as a blueprint to gather together and assemble various components of the prior art in the manner contemplated by applicants. This is a classic example of the use of hindsight reconstruction, and cannot properly be used as grounds for rejecting the present claims.

The U.S. Court of Appeals for the Federal Circuit has strongly criticized such applications of hindsight by specifically indicating that when an obviousness determination is made based upon a combination of references, even a patent examiner "must show reasons that the skilled artisan, confronted with the same problems as the inventor *and with no knowledge of the claimed invention*, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (Emphasis added). Merely indicating, as the Examiner argues in his Office Action of June 19, 2003, that the claimed invention would be obvious to one of ordinary skill in the art based on the combination of the references is utterly inadequate. *Rouffet*, at 1357. Instead, what is needed is a showing of motivation, either from the references themselves or the knowledge of those of ordinary skill in the art, for the combination being relied upon. *Rouffet*, at 1357.

In the present case, there has been no showing of such motivation. Instead, the Examiner attempts to deconstruct the subject matter of the claims of the present application into its constituent components, states where each such component may be found in one of the cited references, and then concludes that it would have been obvious to combine the references to arrive at the claimed invention. This bare bones analysis is not sufficient to support a determination of obviousness of the present application. The burden is on the Examiner to show *why* one is so motivated as to come up with the combination being relied upon. *Rouffet*, at 1357-1358 ("If such a rote invocation could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance. Instead, in complex scientific fields [an infringer or the Patent Office] could routinely identify

the prior art elements in an application, invoke the lofty level of skill, and rest its case for [obviousness]. To counter this potential weakness in the obviousness construct, the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness.")

In regard to the rejection of claim 1, even if Cesar and Johnson were combined, such a combination would lack one or more features of claim 1. Claim 1 recites the feature of a server coupled with the SDA...the SDA sending to the server the specification information from the one or more DSE.... (emphasis added) Another feature, of claim 1 lacking in both Cesar and Johnson, is a data center coupled to the server...such that when an event is generated by the one or more DSE, the mapping is used to select an appropriate event handler to execute. (emphasis added)

Cesar does not disclose these features as stated in applicants' claim 1. Cesar addresses the problem of RF tags of one system not communicating information to a base station of another system. (Cesar, col. 2, ll. 2-3) Cesar's solution is to program the base station to identify and accept RF tags having different tag type codes. (Cesar, col.2, ll. 55-60) Cesar does not contemplate networking anything beyond the base station, nor does Cesar address problems when networking different types of base stations together. Thus, Cesar does not describe a server coupled with the SDA...the SDA sending to the server the specification information from the one or more DSE. (claim 1) Nor does Cesar disclose a data center coupled to the server for the same reasons Cesar does not disclose a server, as claimed by applicants' claim 1.

Nor does Johnson disclose either a data center or a server coupled with the SDA...the SDA sending to the server the specification information from the DSE as claimed by applicants in claim 1. Johnson describes an integrated computerized sales force automation system. (Johnson, title) More specifically, Johnson attacks insufficiency of sales tools by implementing a system having subsystems corresponding to phases of the sales process, including an event manager for sales events. (Johnson, col. 2, ll. 6-35) Consequently, Johnson does not teach a data center, an

SDA nor a server coupled with the SDA as claimed by applicants. Thus, because neither, Cesar nor Johnson disclose applicant's claim 1, applicants respectfully submit that claim 1 is not obvious under 35 U.S.C. §103(a) by Cesar in view of Johnson. Given that claims 2-8 depend from claim 1, applicants respectfully submit that claims 1-8 are not obvious under 35 U.S.C. §103(a).

The Examiner rejected claim 9 under 35 U.S.C. §103(a) for unknown and unstated reasons. Claim 9 discloses substantially different limitations than claim 1. Regardless, claim 9 recites using the Description Document to map the event information for each of the one or more DSE with event handlers.... Because Cesar, in view of Johnson, does not disclose this feature and given that claims 10-14 depend from claim 9, applicants respectfully submit that claims 9-13 are not obvious under 35 U.S.C. §103(a) by Cesar, in view of Johnson.

The Examiner also rejected claim 14 under 35 U.S.C. §103(a) for unknown and unstated reasons. Claim 19 discloses substantially similar limitations as claim 9 and recites creating a Description Document comprising specification information from one or more data source equipments (DSE). Because Cesar, in view of Johnson, does not disclose this feature and given that claims 15-18 depend from claim 14, applicants respectfully submit that claims 14-18 are not obvious under 35 U.S.C. §103(a) by Cesar, in view of Johnson.

The Examiner also rejected claim 19 under 35 U.S.C. §103(a) for unknown and unstated reasons. Claim 19 discloses substantially similar limitations as claim 9 and recites using the Description Document to map the event information for each of the one or more DSE with event handlers..... Because Cesar, in view of Johnson, does not disclose this feature and given that claims 20-23 depend from claim 19, applicants respectfully submit that claims 19-23 are not obvious under 35 U.S.C. §103(a) by Cesar, in view of Johnson.

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action mailed June 19, 2003.

Application No.: 09/919,567  
Amdt. Dated September 19, 2003

If there are any additional charges, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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